

MEMORIAL RESOLUTION

S.R. 19 - By Montford: Memorial resolution for Barnie E. Rushing.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 21 - By Edwards: Commending Mr. Jack H. Kultgen.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 5:50 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

FOURTH DAY

(Saturday, June 25, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Sims, Vale.

A quorum was announced present.

Senator Ed Howard offered the invocation as follows:

Our Father, we thank Thee for the day. We thank Thee especially that we have the opportunity of service. As we go about our deliberations today give us a measure of wisdom, understanding and particularly patience. In Jesus' Name. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Sims was granted leave of absence for today on account of important business on motion of Senator Leedom.

Senator Vale was granted leave of absence for today on account of important business on motion of Senator Truan.

CO-AUTHOR OF SENATE BILL 3

On motion of Senator Glasgow and by unanimous consent, Senator Doggett will be shown as Co-author of S.B. 3.

MESSAGE FROM THE HOUSE

House Chamber
June 25, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 2, Relating to Soviet Jewry.

S.C.R. 4, Commending Sally Ride and the other outstanding astronauts involved in America's space shuttle program.

S.C.R. 5, Congratulating Thomas Jefferson High School Yellow Jacket Baseball Team on winning the State Class 5A Championship.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

H.B. 1

H.B. 2

REPORT OF STANDING COMMITTEE

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 11

S.B. 26

REPORT OF THE COMMITTEE TO DESIGNATE THE STATE ARTIST

June 25, 1983

Austin, Texas

The Honorable William P. Hobby President of the Senate

The Honorable Gibson D. (Gib) Lewis Speaker of the House of Representatives

Sir:

Pursuant to **S.C.R. 6** passed by the 68th Legislature, Regular Session, the committee met and agreed upon the following:

To be Texas State Artist from June 1, 1984, and ending May 31, 1985, Covelle Jones;

To be alternate State Artist from June 1, 1984, and ending May 31, 1985, Ragan Gennusa.

VALE

MONTFORD

PARMER

On the part of the Senate

LEWIS

P. HILL

BERLANGA

On the part of the House

The Report was read and was filed with the Secretary of the Senate.

(Senator Blake in Chair)

RECESS

On motion of Senator Mauzy, the Senate at 11:21 o'clock a.m. took recess until 1:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 1:00 o'clock p.m. and was called to order by the President.

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 27 by Traeger State Affairs
Relating to information required to be provided by public retirement systems.

S.B. 28 by Brooks State Affairs
Relating to the regulation of taxicabs serving airports.

SENATE CONCURRENT RESOLUTION 6

Senator Brooks offered the following resolution:

WHEREAS, In the enrollment of that portion of **H.B. 593**, Acts of the 68th Legislature, Regular Session, 1983, amending Subsection (c), Section 1, Chapter 270, Acts of the 40th Legislature, Regular Session, 1927 (Article 911a, Vernon's Texas Civil Statutes), a change was made to a statutory citation appearing in a Senate amendment to Section 14 of that bill so that the bill was made to refer to all of Chapter 114, Acts of the 50th Legislature, 1947, as amended (Article 46d-1 et seq., Vernon's Texas Civil Statutes), rather than only Section 14 of that chapter; and

WHEREAS, The intent of the Senate in adopting the amendment and the intent of the House of Representatives in concurring in the amendment was that the citation refer only to Section 14, Chapter 114, Acts of the 50th Legislature, 1947, as amended (Article 46d-14, Vernon's Texas Civil Statutes), now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the Legislature intends that the citation in question refer only to Section 14, Chapter 114, Acts of the 50th Legislature, 1947, as amended (Article 46d-14, Vernon's Texas Civil Statutes), and this citation shall be so construed.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE HOUSE

House Chamber
June 25, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 7, Relating to requiring persons who operate hotels, motels, boarding houses, and similar establishments to install and maintain smoke alarms in sleeping quarters; providing penalties.

S.B. 9, Relating to appropriations for the construction of permanent improvements at Texas Southern University. (With amendment)

S.J.R. 1, Proposing a constitutional amendment relating to the associations of producers of agricultural commodities.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled resolutions:

S.C.R. 2
S.C.R. 4
S.C.R. 5

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 7, To Committee on State Affairs.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider the following bills today upon recess.

H.B. 7
S.B. 28

RECESS

On motion of Senator Brooks, the Senate at 1:12 o'clock p.m. took recess until 1:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 1:30 o'clock p.m. and was called to order by Senator Brooks.

MESSAGE FROM THE HOUSE

House Chamber
June 25, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 22, Relating to an appropriation for operation of the State Ethics Advisory Commission.

H.B. 8, Relating to appropriations for and payment of certain miscellaneous claims and judgments against the state, and to a technical correction in the General Appropriation Act for the 1983-85 biennium.

BETTY MURRAY, Chief Clerk
House of Representatives

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Farabee submitted the following report for the Committee on State Affairs:

H.B. 7
S.B. 28

AT EASE

The Presiding Officer (Senator Brooks in Chair) announced at 1:33 o'clock p.m. the Senate would Stand At Ease Subject to Call of the Chair.

IN LEGISLATIVE SESSION

The Presiding Officer called the Senate to order at 1:37 o'clock p.m. as In Legislative Session.

SENATE RULE 103 SUSPENDED

Senator Blake moved to suspend Senate Rule 103 in order that the Committee on Administration might consider the following resolutions today:

H.C.R. 5

H.C.R. 2

There was objection to suspending the posting rule to hear **H.C.R. 2**.

ADMINISTRATION COMMITTEE GRANTED PERMISSION TO MEET

On motion of Senator Blake and by unanimous consent, the Administration Committee was granted permission to meet while the Senate stood At Ease.

AT EASE

The Presiding Officer (Senator Brooks in Chair) at 1:43 o'clock p.m. announced the Senate would Stand At Ease Subject to Call of the Chair.

IN LEGISLATIVE SESSION

The Presiding Officer called the Senate to order at 1:44 o'clock p.m. as In Legislative Session.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 8, To Committee on Finance.

MOTION TO SUSPEND POSTING RULE

Senator Jones moved to suspend the posting rule to hear **H.B. 8** in the Finance Committee.

There was objection.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Blake submitted the following report for the Committee on Administration:

H.C.R. 5

RECESS

On motion of Senator Mauzy, the Senate at 1:55 o'clock p.m. took recess until 3:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 3:00 o'clock p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
June 25, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 6, Relating to the construction of a legal citation in **H.B. 593**, Acts of the 68th Legislature, Regular Session, 1983.

H.C.R. 9, Granting Rudy and Mary Jane Guzman permission to sue the State of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

S.J.R. 1

S.B. 22

PROCLAMATION FROM GOVERNOR

The President laid before the Senate the following Proclamation from the Governor:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 5 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this first called session of the 68th Legislature, now convened, the following:

Legislation making a supplemental appropriation for the Court of Appeals, Second Supreme Judicial District of Fort Worth.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

/s/Mark White
Governor of Texas

Done at Austin, Texas this the 25th day of June, 1983, under the Seal of this State attested by the Secretary of State.

/s/Bill Tribble
Secretary of State, staff, for
office of Secretary of State

The Proclamation was read and was filed with the Secretary of the Senate.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **H.B. 8** today.

HOUSE BILL 7 ORDERED NOT PRINTED

On motion of Senator Glasgow and by unanimous consent, **H.B. 7** was ordered not printed.

HOUSE BILL 7 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 74 and the provisions of the Intent Calendar were

suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 7, Relating to requiring persons who operate hotels, motels, boarding houses, and similar establishments to install and maintain smoke alarms in sleeping quarters.

The bill was read second time and was passed to third reading.

HOUSE BILL 7 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 7** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Sims, Vale.

The bill was read third time and was passed.

HOUSE CONCURRENT RESOLUTION 5 ORDERED NOT PRINTED

On motion of Senator Uribe and by unanimous consent, **H.C.R. 5** was ordered not printed.

HOUSE CONCURRENT RESOLUTION 5 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business, Senate Rule 74 and the provisions of the Intent Calendar were suspended to take up for consideration at this time:

H.C.R. 5, Granting William Kenon, Jr., and George Purvis permission to sue the State.

The resolution was read second time and was adopted.

SENATE RULE 74a SUSPENDED

On motion of Senator Washington and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendment to **S.B. 9**.

SENATE BILL 9 WITH HOUSE AMENDMENT

Senator Washington called **S.B. 9** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Floor Amendment No. 1 - J. Gibson

Amend **S.B. 9** as follows:

(1) After Section 1 insert a new Section 2 to read as follows:

"Section 2. From funds appropriated in Section 1 of this Act and from funds appropriated in the General Appropriations Act of the Sixty-eighth Legislature, Regular Session, to Texas Southern University for Major Repairs and Rehabilitation of Buildings and Facilities, an amount not to exceed \$1,500,000 may be expended for the renovation of Adams Hall."

(2) Renumber subsequent sections accordingly.

The amendment was read.

Senator Washington moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Sims, Vale.

SENATE BILL 28 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business, Senate Rule 74 and the provisions of the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 28, Relating to the regulation of taxicabs serving airports.

The bill was read second time and was passed to engrossment.

SENATE BILL 28 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 28** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Sims, Vale.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Sims, Vale.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.C.R. 9, To Committee on Administration.

SENATE RESOLUTION 33

Senator Lyon offered the following resolution:

WHEREAS, The Texas Senate Chamber is privileged today to have as a visitor Michael Pope, a student of the Richardson Independent School District; and

WHEREAS, A straight A student in school, Michael has received a special award from the National Foundation for Exceptional Children; and

WHEREAS, Known and loved by his teachers and classmates as a cheerful, curly-headed boy, he is one of the most popular students in his school; his cheerful disposition amazes everyone who knows that he has experienced more than 14 operations in attempts to correct over 15 serious physical handicaps; and

WHEREAS, The courage Michael shows in the face of such disabilities is an inspiration to all who are fortunate enough to know him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 68th Legislature, 1st Called Session, congratulate Michael Pope on his bravery and express sincere gratitude to him for visiting us today; and, be it further

RESOLVED, That a copy of this Resolution be prepared, under the Seal of the Senate, for Michael Pope as an expression of the esteem of the Texas Senate.

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Lyon escorted Michael and his mother to the President's Rostrum.

The Members welcomed Michael and the President presented an enrolled copy of S.R. 33 to him.

(Senator McFarland in Chair)

AT EASE

The Presiding Officer announced at 3:28 o'clock p.m. the Senate would Stand At Ease Subject to Call of the Chair.

MOTION TO RECESS

On motion of Senator Brooks, the Senate agreed to recess, upon receipt of H.B. 14 from the House of Representatives, until 5:00 o'clock p.m. today.

IN LEGISLATIVE SESSION

The Presiding Officer at 3:41 o'clock p.m. called the Senate to order as In Legislative Session.

FINANCE COMMITTEE GRANTED PERMISSION TO MEET

On motion of Senator Jones and by unanimous consent, the Finance Committee was granted permission to meet while the Senate was At Ease.

AT EASE

The Presiding Officer at 3:42 o'clock p.m. announced the Senate would Stand At Ease Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

The Presiding Officer at 3:55 o'clock p.m. called the Senate to order as In Legislative Session.

MESSAGE FROM THE HOUSE

House Chamber
June 25, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 14, Relating to the creation of the human rights division of the Texas Department of Labor and Standards; providing a penalty.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 14, To Committee on State Affairs.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **H.B. 14** today upon recess.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Jones submitted the following report for the Committee on Finance:

H.B. 8

RECESS

On motion of Senator Brooks and in accordance with a motion previously adopted, the Senate at 4:03 o'clock p.m. took recess until 5:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 5:00 o'clock p.m. and was called to order by the President.

SENATOR ANNOUNCED PRESENT

Senator Vale who had previously been recorded as "Absent-excused" was announced "Present".

APPOINTMENTS BY LIEUTENANT GOVERNOR

The Lieutenant Governor announced the following appointments:

**THE STATE OF TEXAS
OFFICE OF THE LIEUTENANT GOVERNOR**

Pursuant to **H.C.R. 275** passed by the regular session of the 68th Legislature, I am making the following appointments to the Select Committee on Public Education:

The Honorable Bob Bullock
Comptroller of Public Accounts
Post Office Box 13528
Austin, Texas 78774

Dr. Dean Corrigan
Dean, College of Education
Texas A&M University
College Station, Texas 77843

Dr. Elizabeth MacNaughton
400 Tuam #21
Lovett Square
Houston, Texas 77006

Dr. Levi V. Perry
3309 Prospect Street
Houston, Texas 77004

As Chairman of the Senate Education Committee, Senator Carl A. Parker is also a member of the Select Committee on Public Education with Senator Grant Jones, ex-officio member.

ARTIST SELECTION FOR JOHN WILSON PORTRAIT

Senator Brown
Senator Howard

Senator Sharp
Mrs. John "Pinky" Wilson
Mrs. Judy Wilson Walsh

SESQUICENTENNIAL COMMISSION

Senator Washington
Senator Harris

NATURAL ENERGY AND WATER RESOURCES COMMITTEE

Senator Santiesteban

LEGISLATIVE REFERENCE LIBRARY BOARD

Senator Doggett

LEGISLATIVE COUNCIL

Senator Blake
Senator Parker
Senator Traeger
Senator Vale
Senator McFarland

LEGISLATIVE BUDGET BOARD

Senator Brooks
Senator Treager

**TEXAS ADVISORY COMMISSION ON INTERGOVERNMENTAL
RELATIONS**

Senator Traeger
Senator Parker
Senator Parmer

**TEXAS COORDINATING COMMISSION FOR STATE
HEALTH AND WELFARE SERVICES**

Senator Farabee
Senator Brooks
Senator Parker

AUTOMATED INFORMATION SYSTEMS ADVISORY COUNCIL

Tom O'Brien
Ron Lindsey

TELEPHONE SERVICE ADVISORY COMMITTEE

Senator Blake
J. Chapman
Charles Clapsaddle

SUNSET ADVISORY COMMITTEE

Senator Sharp
Senator Edwards

BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

S.C.R. 6

S.B. 9 (Signed subject to Art. III,
Sec. 49a of the Constitution)

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Farabee submitted the following report for the Committee on State Affairs:

C.S.H.B. 14 (Read first time)

SENATE RESOLUTION 34
(Caucus Report)

Senator Mauzy offered the following resolution:

Honorable William P. Hobby
President of the Senate
Austin, Texas

Sir:

At a caucus held on June 25, 1983, and attended by 24 members of the Senate the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of the next session. All employees and elected officers of the Senate shall operate under the direct supervision of the Secretary of the Senate during the interim.

The Sergeant-at-Arms shall be retained and a number of assistants as necessary in the operation of the Senate until the convening of the next session.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Clerk, Staff Services Clerk, Calendar Clerk, and Journal Clerk. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the Purchasing and Supply Department and close his books for the First Called Session of the 68th Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the First Called Session of the 68th Legislature, and when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate and one volume thus bound shall be forwarded by the Secretary of the Senate to each

member of the Senate, to the Lieutenant Governor and to each member of the House of Representatives on request. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the preexisting law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 68th Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 68th Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429F, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies and expenses of the Senate, including travel expenses for members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual members office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin but may be incurred in individual Senatorial Districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time period from the end of the 68th Legislature, First Called Session, through August 31, 1983, each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expense for staff employees a maximum payroll of \$13,500.00 per month, and from September 1, 1983, until the convening of the next regular or special session, each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a maximum payroll of \$12,500.00 per month under the classification schedule hereinafter provided. Any unexpended portion of this amount may be carried forward from month to month until the convening of the 69th Legislature at which time the balance lapses. Other expenses including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of his office or incident thereto shall be provided in addition to the maximum salary authorized.

It is further recommended that each employee of the Senate except elected officers be classified and paid pursuant to the following schedule to include salary changes made by the General Appropriations Act:

<u>Title</u>	<u>Class Number</u>	<u>Group</u>	<u>Salary and Step Range</u>
Messenger	0011	02	860(4)- 886(5)- 913(6)
Clerk Typist II/ Clerk II	0106	04	886(1)- 913(2)- 941(3)
Secretary II Clerk III/ Research Tech II	0133	05	1066(5)-1099(6)-1135(7)
Secretary III	0055	06	1003(1)-1034(2)-1066(3)
Admin. Secretary	0135	07	1066(1)-1099(2)-1135(3)
Info. Spec. I	0138	09	1209(1)-1247(2)-1287(3)
Admin. Tech. I	1892	14	1671(1)-1727(2)-1785(3)
Journalist I	1501	08	1135(1)-1171(2)-1209(3)
Admin. Tech. II/ Research Asst. I	1859	10	1287(1)-1329(2)-1373(3)
Journalist II	1502	11	1373(1)-1419(2)-1465(3)
Admin. Tech. III	1860	12	1465(1)-1514(2)-1564(3)
Attorney I	1503	13	1564(1)-1617(2)-1671(3)
Admin. Tech. IV/ Attorney II	3531	14	1671(1)-1727(2)-1785(3)
Info. Spec. II	1504	15	1785(1)-1844(2)-1906(3)
Admin. Asst.	1893	16	1906(1)-1970(2)-2035(3)
Attorney III	1506	17	2035(1)-2104(2)-2174(3)
Research Asst. II	3533	17	2035(1)-2104(2)-2174(3)
Info. Spec. III	1517	13	1564(1)-1617(2)-1671(3)
Legal Clerk V/ Legal Counselor	1864	18	2246(1)-2322(2)-2400(3)
Research & Info. Specialist	3605	19	2400(1)-2479(2)-2562(3)
	1866	21	2737(1)-2828(2)-2923(3)

Employees who do not readily fit one of the above classified positions may be assigned a title under the General Classified Positions outlined in the General Appropriations Act upon authorization of the Administration Committee; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any member of the Senate, the Secretary of the Senate or other Senate employee to attend National Legislative Conferences and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate; and, be it further

RESOLVED, That each of the standing committees and subcommittees of the Senate of the 68th Legislature be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by resolution, the Lieutenant Governor, or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That there is hereby created a committee whose membership shall consist of all 31 Senators, and the Dean of the Senate shall preside as chairman. The chairman may appoint a vice-chairman or chairman pro tempore to preside in the absence of the chairman.

The committee has the duty and authority to supervise all matters relating to the elected officers or internal affairs of the Senate. The committee has the power

to do all things reasonable and necessary in carrying out its responsibilities, including but not limited to the discharge of elected officers, filling vacancies in any elected office, determining salaries of elected officers, and prescribing the powers, functions, responsibilities, and duties of the several elected officers of the Senate. The committee shall meet at the call of the chairman or a date specified in a written request of 11 members or as may be determined by the committee after its initial meeting. Twenty-one members shall constitute a quorum and a majority of the quorum may take action.

The operating expenses of this committee shall be paid from the Contingent Expense Fund of the Senate, and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee.

Any members not returning for the 69th Legislature will vacate their Senate offices by December 15, 1984; and be it further

RESOLVED, That no employee of the Senate shall during the time he or she is employed furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not without permission receive any compensation from any person, firm, or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged; and, be it further

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

/s/Mauzy

Chairman of the Caucus

/s/Brooks

Secretary of the Caucus

The resolution was read and was adopted.

HOUSE BILL 8 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business, Senate Rule 74 and the provisions of the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 8, Relating to appropriations for and payment of certain miscellaneous claims and judgments against the state, and to a technical correction in the General Appropriation Act for the 1983-85 biennium.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend **H.B. 8** by striking Section 8 and substituting new Sections 8 and 9 to read as follows:

SECTION 8. Section 7 of this Act takes effect September 1, 1983.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 8 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 8 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 14 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business, Senate Rule 74 and the provisions of the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 14, Relating to the prohibition of discrimination in certain transactions concerning employment; providing penalties.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.H.B. 14** by striking all below the enacting clause and substituting in lieu thereof the following:

ARTICLE 1. SHORT TITLE; DECLARATION OF PURPOSE; CONSTRUCTION

SECTION 1.01. SHORT TITLE. This Act may be cited as the Commission on Human Rights Act.

SECTION 1.02. PURPOSES. The general purposes of this Act are:

(1) to provide for the execution of the policies embodied in Title VII of the federal Civil Rights Act of 1964, as amended (42 U.S.C. Section 2000e et seq.), and to create an authority that meets the criteria under 42 U.S.C. Section 2000e-5(c) and 29 U.S.C. Section 633; and

(2) to secure for persons within the state freedom from discrimination in certain transactions concerning employment, and thereby to protect their interest in personal dignity; and to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state.

SECTION 1.03. GENERAL RULE OF CONSTRUCTION. This Act shall be construed according to the fair import of its terms.

SECTION 1.04. SPECIFIC RULES OF CONSTRUCTION. (a) In this Act, "because of age" or "on the basis of age" refers only to discrimination because of age or on the basis of age against an individual 40 years of age or older and under 70 years of age. Nothing in this Act prohibits the compulsory retirement of any employee who has attained 65 years of age but not 70 years of age, and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy-making position, if the employee is entitled to an

immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of plans, of the employer of the employee, that equals, in the aggregate, at least \$27,000.

(b) In Article 5, "because of handicap" or "on the basis of handicap" refers to discrimination because of or on the basis of a physical or mental condition that does not impair an individual's ability to reasonably perform a job.

(c) In this Act, "because of sex" or "on the basis of sex" includes but is not limited to discrimination because of or on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other individuals not so affected but similar in their ability or inability to work. An employer is not required by this Act to pay for health insurance benefits for abortion, except if the life of the mother would be endangered were the fetus carried to term. This Act does not preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.

ARTICLE 2. GENERAL DEFINITIONS

SECTION 2.01. DEFINITIONS. In this Act, unless the context otherwise requires:

(1) "Bona fide occupational qualification" means a qualification:

(A) that is reasonably related to the satisfactory performance of the duties of a job; and

(B) for which there is a factual basis for believing that a person of the excluded group would be unable to perform satisfactorily the duties of the job with safety or efficiency.

(2) "Commission" means the Commission on Human Rights created by this Act.

(3) "Commissioner" means a member of the commission.

(4) "Employee" means an individual employed by an employer, including an individual subject to the civil service laws of the state or a political subdivision of the state, except that the term "employee" does not include an individual elected by the qualified voters to public office in the state or a political subdivision of the state, an individual chosen by that officer to be on the officer's personal staff, an appointee on the policy-making level, or an immediate adviser with respect to the exercise of the constitutional or legal powers of public office.

(5) "Employer" means a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year and any agent of that person. The term includes a political subdivision and any state agency or instrumentality, including public institutions of higher education.

(6) "Employment agency" means a person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer, including an agent of that person.

(7)(A) "Handicapped person" means a person who has a mental or physical handicap, including mental retardation, hardness of hearing, deafness, speech impairment, visual handicap, being crippled, or any other health impairment that requires special ambulatory devices or services, as defined in Section 121.002(4), Human Resources Code, but does not include a person because he is addicted to any drug or illegal or federally controlled substances or because he is addicted to the use of alcohol.

(B) "Handicap" means a condition either mental or physical that includes mental retardation, hardness of hearing, deafness, speech impairment, visual handicap, being crippled, or any other health impairment that requires special ambulatory devices or services, as defined in Section 121.002(4), Human Resources

Code, but does not include a condition of addiction to any drug or illegal or federally controlled substances or a condition of addiction to the use of alcohol.

(8) "Labor organization" means a labor organization engaged in an industry affecting commerce, and includes:

(A) any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment;

(B) any conference, general committee, joint or system board, or joint council so engaged that is subordinate to a national or international labor organization; and

(C) an agent of a labor organization.

(9) "Local commission" means a commission on human relations created by one or more political subdivisions.

(10) "National origin" includes the national origin of an ancestor.

(11) "Person" means one or more individuals or an association, corporation, joint-stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, trustee in bankruptcy, unincorporated organization, the state, or a political subdivision or agency of the state.

(12) "Political subdivision" means a county or an incorporated city or town.

(13) "Religion" means all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable reasonably to accommodate the religious observance or practice of an employee or applicant without undue hardship on the conduct of the employer's business.

ARTICLE 3. COMMISSION ON HUMAN RIGHTS: CREATION; POWERS

SECTION 3.01. COMMISSION ON HUMAN RIGHTS. (a) There is created the Commission on Human Rights to consist of six members. The governor shall appoint the commissioners with the advice and consent of the senate and designate one of the commissioners as chairman of the commission. One member of the commission shall be representative of industry, one member shall be representative of labor, and four members shall be appointed at large. In making appointments, the governor shall strive to achieve representation on the commission that is diverse with respect to economic status, sex, race, and ethnicity.

(b) The term of office of each commissioner is six years. Of the commissioners first appointed, two shall be appointed for a term of two years, two for a term of four years, and two for a term of six years. An individual chosen to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the commissioner whom he is to succeed. A commissioner is eligible for reappointment.

(c) Four members of the commission constitute a quorum. A vacancy on the commission does not impair the authority of the remaining commissioners to exercise the powers of the commission. The commission by rule may establish panels of not less than a quorum to exercise its power.

(d) A commissioner is entitled to reimbursement of actual and necessary expenses incurred in the performance of official duties.

SECTION 3.02. POWERS OF COMMISSION. The commission has the following powers:

(1) to maintain an office in the city of Austin;

(2) to meet and exercise its powers at any place within the state, except in any political subdivision having a local commission as described in Section 4.02 of this Act;

(3) to employ an executive director and authorize the employment of other staff members, including any necessary attorneys or clerks and other representatives or agents, and to fix the compensation of the executive director or other staff members, representatives, or agents;

(4) to promote the creation of local commissions on human rights and to cooperate or contract with individuals or state, local, or other agencies, both public and private, including agencies of the federal government and of other states;

(5) to accept public grants or private gifts, bequests, or other payments;

(6) to receive, investigate, seek to conciliate, and pass on complaints alleging violations of this Act, and file civil actions to effectuate the purposes of this Act;

(7) to request and, if necessary, compel by subpoena the attendance of necessary witnesses for examination under oath or affirmation, and the production, for inspection and copying, of records, documents, and other evidence relevant to the investigation of alleged violations of this Act. The commission by rule may authorize a commissioner or one of its staff to exercise the powers stated in this subdivision on behalf of the commission;

(8) to furnish technical assistance requested by a person subject to this Act to further compliance with the Act or with rules or orders issued under this Act;

(9) to render at least annually a comprehensive written report to the governor and to the legislature, which report may contain recommendations of the commission for legislative or other action to carry out the purposes and policies of this Act; and

(10) to adopt, issue, amend, and rescind procedural rules to carry out the purposes and policies of this Act.

SECTION 3.03. SUNSET PROVISION. The Commission on Human Rights is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes), and unless continued in existence as provided by that Act, the commission is abolished effective September 1, 1987.

ARTICLE 4. LOCAL COMMISSIONS

SECTION 4.01. LOCAL ORDINANCES. A political subdivision may adopt and enforce an ordinance that prohibits practices designated as unlawful under this Act, or otherwise declared unlawful under federal or state law.

SECTION 4.02. LOCAL COMMISSIONS. A political subdivision or two or more political subdivisions acting jointly may create a local commission to promote the purposes of this Act and to secure for all individuals within the jurisdiction of the political subdivision or subdivisions freedom from discrimination because of race, color, handicap, religion, sex, national origin, or age and may appropriate funds for the expenses of the local commission.

SECTION 4.03. POWERS OF LOCAL COMMISSIONS. A local commission may exercise the following powers in addition to other powers authorized by this Act or other laws:

(1) to employ an executive director and other employees and agents and fix their compensation;

(2) to meet and exercise its powers as provided in this Act;

(3) to cooperate or contract with individuals or state, local, or other agencies, public or private, including agencies of the federal government and of other states and municipalities;

(4) to accept public grants or private gifts, bequests, or other payments;

(5) to receive, investigate, seek to conciliate, and pass on complaints alleging violations of this Act, and file civil actions to effectuate the purposes of this Act if the federal government or state commission has referred the complaint to the commission or has deferred jurisdiction over the subject matter of the complaint to the commission;

(6) to render at least annually a report, a copy of which shall be furnished to the state commission; and

(7) to request and, if necessary, compel by subpoena the attendance of necessary witnesses for examination under oath or affirmation, and the production, for inspection and copying, of records, documents, and other evidence relevant to the investigation of alleged violations of this Act.

SECTION 4.04. REFERRAL TO LOCAL COMMISSION. (a) The state commission shall refer a complaint filed with it to a local commission with the necessary investigatory and conciliatory powers if the complaint concerns discrimination in employment because of race, color, handicap, religion, sex, national origin, or age, and:

(1) the complaint has been referred to the state commission by the federal government; or

(2) the jurisdiction over the subject matter of the complaint has been deferred to the state commission by the federal government.

(b) On referral by the state commission, the local commission shall take appropriate action within the scope of its powers. After referral to the local commission, the state commission shall afford the local commission a reasonable time, but not less than 60 days, to act to remedy the practice alleged as discriminatory in the referred complaint. If the local commission has not acted on the complaint within a reasonable time, the state commission shall reassume responsibility for the complaint and take appropriate action on it.

(c) A local commission may refer a matter under its jurisdiction to the state commission.

ARTICLE 5. DISCRIMINATION IN EMPLOYMENT

SECTION 5.01. EMPLOYERS. It is an unlawful employment practice for an employer:

(1) to fail or refuse to hire or to discharge an individual or otherwise to discriminate against an individual with respect to compensation or the terms, conditions, or privileges of employment because of race, color, handicap, religion, sex, national origin, or age; or

(2) to limit, segregate, or classify an employee or applicant for employment in a way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee because of race, color, handicap, religion, sex, national origin, or age.

SECTION 5.02. EMPLOYMENT AGENCIES. It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment or otherwise to discriminate against an individual because of race, color, handicap, religion, sex, national origin, or age, or to classify or refer for employment an individual on the basis of race, color, handicap, religion, sex, national origin, or age.

SECTION 5.03. LABOR ORGANIZATIONS. It is an unlawful employment practice for a labor organization:

(1) to exclude or to expel from membership or otherwise to discriminate against an individual because of race, color, handicap, religion, sex, national origin, or age;

(2) to limit, segregate, or classify members or applicants for membership or to classify or to fail or refuse to refer for employment an individual because of race, color, handicap, religion, sex, national origin, or age in a way:

(A) that would deprive or tend to deprive an individual of employment opportunities; or

(B) that would limit employment opportunities or otherwise adversely affect the status of an employee or of an applicant for employment; or

(3) that would cause or attempt to cause an employer to violate this article.

SECTION 5.04. TRAINING PROGRAMS. Unless the training or retraining opportunities or programs are provided under an affirmative action plan approved according to federal law, rule, or order, it is an unlawful employment practice for an employer, labor organization, or joint labor-management committee controlling an apprenticeship, on-the-job, or other training or retraining program to discriminate against an individual because of race, color, religion, sex, or national

origin in admission to or participation in a program established to provide apprenticeship, on-the-job, or other training or retraining opportunities.

SECTION 5.05. OTHER DISCRIMINATORY EMPLOYMENT PRACTICES. (a) It is an unlawful employment practice for an employer, labor union, or employment agency:

(1) to retaliate or discriminate against a person who has opposed a discriminatory practice or who has made or filed a charge, filed a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act;

(2) to aid, abet, incite, or coerce a person to engage in a discriminatory practice;

(3) wilfully to interfere with the performance of a duty or the exercise of a power by the commission, one of its staff, or its representatives; or

(4) wilfully to obstruct or prevent a person from complying with the provisions of this Act or a valid rule or order issued under this Act.

(b) Unless handicap, religion, sex, national origin, or age is a bona fide occupational qualification, it is an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee controlling an apprenticeship, on-the-job, or other training or retraining program to print or publish or cause to be printed or published a notice or advertisement relating to employment indicating a preference, limitation, specification, or discrimination based on race, color, handicap, religion, sex, national origin, or age, if the notice or advertisement concerns an employee's status, employment, or admission to or membership or participation in a labor union or an apprenticeship, on-the-job, or other training or retraining program.

SECTION 5.06. EXCEPTIONS. This article does not apply to:

(1) the employment of an individual of a particular religion by a religious corporation, association, or society to perform work connected with the performance of religious activities by the corporation, association, or society;

(2) the employment of an individual by his parent, spouse, or child; or

(3) any labor union, firm, association, or individual participating in a U.S. Department of Labor-approved statewide hometown plan on the effective date of this Act.

SECTION 5.07. NONDISCRIMINATORY PRACTICES. (a) Notwithstanding any other provision of this article, it is not an unlawful employment practice:

(1) for an employer to hire and to employ employees, for an employment agency to classify or refer for employment an individual, for a labor organization to classify its members or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor-management committee controlling an apprenticeship, on-the-job, or other training or retraining program to admit or employ an individual in its program, on the basis of handicap, religion, sex, national origin, or age, if handicap, religion, sex, national origin, or age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise;

(2) for a religious educational institution or an educational organization operated, supervised, or controlled, in whole or in substantial part, by a religious corporation, association, or society to limit employment or give preference to members of the same religion;

(3) for an employer to apply different standards of compensation or different terms, conditions, or privileges of employment under a bona fide seniority system, bona fide merit system, or a bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade this Act, or under a system that measures earnings by quantity or quality of production if those different

standards are not discriminatory on the basis of race, color, handicap, religion, sex, national origin, or age, except that no employee benefit plan may excuse a failure to hire on the basis of age and no seniority or employee benefit plan may require or permit involuntary retirement on the basis of age;

(4) for an employer to apply to employees who work in different locations different standards of compensation or different terms, conditions, or privileges of employment if those different standards are not discriminatory on the basis of race, color, handicap, religion, sex, national origin, or age;

(5) for an employer to impose minimum or maximum age requirements for peace officers or fire fighters;

(6) for a public school official to adopt or implement a plan reasonably designed to end discriminatory school practices; or

(7) for an employer to engage in any practice that has a discriminatory effect and that would otherwise be prohibited by this Act if the employer establishes that the practice is not intentionally devised or operated to contravene the prohibitions of this Act and is justified by business necessity.

(b) The employment of one person in place of another, standing by itself, is not evidence of an unlawful employment practice.

SECTION 5.08. NO LIABILITY FOR GOOD FAITH RELIANCE ON COMMISSION RULES. In any action or proceeding based on any alleged unlawful employment practice, no person is subject to any liability arising out of the commission of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the commission.

SECTION 5.09. IMBALANCE PLANS. This Act may not be interpreted to require a person subject to this Act to grant preferential treatment to an individual or to a group on the basis of the race, color, handicap, religion, sex, national origin, or age of that individual or group because an imbalance exists between the total number or percentage of persons of that individual's or group's race, color, handicap, religion, sex, national origin, or age employed by an employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by a labor organization, or admitted to or employed in any apprenticeship, on-the-job, or other training or retraining program, and the total number or percentage of persons of that race, color, handicap, religion, sex, national origin, or age in any community, this state, region, or other area, or in the available work force in any community, this state, region, or other area.

SECTION 5.10. This Act does not apply to an employer with respect to the employment of persons outside the State of Texas.

ARTICLE 6. ADMINISTRATIVE REVIEW

SECTION 6.01. COMPLAINTS; TEMPORARY RELIEF. (a) A person claiming to be aggrieved by an unlawful employment practice, or that person's agent, may file with the commission a complaint, which must be in writing under oath or affirmation, stating that an unlawful employment practice has been committed, setting forth the facts on which the complaint is based, including the date, place, and circumstances of the alleged unlawful employment practice, and setting forth facts sufficient to enable the commission to identify the person charged (hereinafter referred to as the respondent). The executive director or his designee shall within 10 days serve the respondent with a copy of the complaint and shall invite both the complainant and respondent to attempt voluntarily to resolve their dispute prior to initiation and completion of an investigation. A complaint under this section must be filed within 180 days after the date the alleged unlawful employment practice occurred; untimely complaints shall be dismissed by the commission. The executive director or any other staff member of the commission

designated by the executive director shall investigate a complaint and determine if there is reasonable cause to believe that the respondent has engaged in an unlawful employment practice as alleged in the complaint. If the federal government has referred the complaint to the commission or has deferred jurisdiction over the subject matter of the complaint to the commission, the executive director or his designee shall promptly investigate the allegations set forth in the complaint.

(b) If, after an investigation, the executive director or his designee determines that there is not reasonable cause to believe that the respondent has engaged in an unlawful employment practice, as alleged in the complaint, the executive director or his designee shall issue a written determination incorporating his finding that the evidence does not support the complaint and dismissing the complaint and shall serve a copy of the determination on the complainant, the respondent, and other agencies as required by law.

(c) If, after an investigation, the executive director or his designee determines that there is reasonable cause to believe that the respondent has engaged in an unlawful employment practice, as alleged in the complaint, the executive director or his designee shall review the evidence in the record with a panel of three commissioners. If, after the review, at least two of the three commissioners determine that there is reasonable cause to believe that the respondent has engaged in an unlawful employment practice, the executive director shall issue a written determination incorporating his finding that the evidence supports the complaint and shall serve a copy of the determination on the complainant, the respondent, and other agencies as required by law. The commission shall endeavor to eliminate the alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. The commission, its executive director, or its other officers or employees may not make public, without the written consent of the complainant and respondent, information about the efforts in a particular case to resolve an alleged discriminatory practice by conference, conciliation, or persuasion, whether or not there is a determination of reasonable cause.

(d) A showing of undue hardship by the respondent is a defense to a complaint of discrimination made by an employee or applicant based on handicap. With respect to a complaint based on handicap, the commission's order must take into account the reasonableness of the cost of any necessary work place accommodation and the availability of alternatives or other appropriate relief.

(e) If the commission concludes, on the basis of preliminary investigation of an alleged unlawful employment practice contained in a complaint, that prompt judicial action is necessary to carry out the purposes of this Act, the commission shall file a petition in the district court in a county in which the alleged unlawful employment practice that is the subject of the complaint occurred, or in a county in which the respondent resides, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this Act. No temporary injunctive relief may issue absent a showing by the commission of substantial likelihood of success on the merits and irreparable harm to the complainant, in the absence of the preliminary relief, pending final determination on the merits.

(f) No person who has initiated any action in a court of competent jurisdiction or who has an action pending before any administrative agency under any other law or any local ordinance of any political subdivision of the state based on an act that would be an unlawful employment practice under this article may file a complaint under this section with respect to the same grievance.

ARTICLE 7. JUDICIAL ACTION

SECTION 7.01. JUDICIAL ACTION; ENFORCEMENT. (a) If the commission has made a determination that there is reasonable cause to believe that the respondent has engaged in an unlawful employment practice, and the

commission's efforts to resolve the discriminatory practice to the satisfaction of the complainant and respondent through conciliation have been unsuccessful, the commission may bring a civil action against the respondent named in the charge if a majority of the commissioners determine that the civil action may effectuate the purposes of this Act. The complainant has the right to intervene in a civil action brought by the commission. If the complaint filed with the commission pursuant to Section 6.01 of this Act is dismissed by the commission, or if within 180 days after the date of filing of the complaint the commission has not filed a civil action under this section or has not successfully negotiated a conciliation agreement between the complainant and respondent, the commission shall so notify the complainant in writing by certified mail. Within 60 days after the date of receipt of the notice, a civil action may be brought by the complainant against the respondent named in the charge. After timely application, the court may in its discretion permit the commission to intervene in any civil action filed under this subsection on certification that the case is of general public importance and if the commission has, before commencement of the civil action by the complainant, issued a determination of reasonable cause to believe that the Act has been violated. In no event may any action be brought pursuant to this article more than one year after the date of filing of the complaint to which the action relates.

(b) The court shall assign any action brought under this article for hearing at the earliest practicable date to expedite the action.

(c) If the court finds that the respondent has engaged in an unlawful employment practice as alleged in the complaint, the court may enjoin the respondent from engaging in an unlawful employment practice and order such additional equitable relief as may be appropriate.

(d) Additional equitable relief may include but is not limited to:

(1) the hiring or reinstatement, with or without back pay, but back pay liability may not accrue for any date more than two years before the date of filing of a complaint with the commission, and interim earnings and unemployment compensation benefits received shall operate to reduce the back pay otherwise allowable;

(2) the upgrading of employees with or without pay;

(3) the admission or restoration of union membership;

(4) the admission to or participation in a guidance program, apprenticeship, on-the-job, or other training or retraining program, with the use of objective job-related criteria in the admission of individuals to these programs;

(5) the reporting on the manner of compliance with the terms of a final order issued under this Act; and

(6) the payment of court costs.

(e) In any action or proceeding under this Act, the court in its discretion may allow the prevailing party, other than the commission, a reasonable attorney's fee as part of the costs. The state or an agency or a political subdivision of the state is liable for costs to the same extent as a private person, except that the state, a state agency, or a political subdivision is not liable for attorney's fees.

(f) In the case of handicapped employees or applicants, the court must take into account the undue hardship defense, including the reasonableness of the cost of any necessary work place accommodation and the availability of alternatives or other appropriate relief.

(g) In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under this article, a party to the action or the commission, on the written request of a person aggrieved by the failure, may commence proceedings to compel compliance with the order.

(h) All judicial proceedings under this Act shall be by trial de novo, and no commission findings, recommendations, determinations, or other actions are binding on any court.

ARTICLE 8. RECORDS

SECTION 8.01. PRESERVATION AND USE. (a) Notwithstanding any other section of this Act, a person under investigation in connection with a charge filed under this Act and subject to this Act must make and keep records relevant to the determination of whether unlawful employment practices have been or are being committed, preserve these records for periods required by the commission's rules or by court order, and make reports from these records as prescribed by the commission's rules or court order as reasonable, necessary, or appropriate for the enforcement of this Act or rules or orders issued under this Act.

(b) The commission by rule shall require that each person subject to this Act who controls an apprenticeship, on-the-job, or other training or retraining program:

(1) keep all records reasonably necessary to carry out the purposes of this Act, including but not limited to a list of applicants who wish to participate in the program and the chronological order in which applications for the program were received; and

(2) furnish to the commission on request a detailed description of the manner in which individuals are selected to participate in the apprenticeship, on-the-job, or other training or retraining program.

(c) Records and reports required by the commission under this section must conform to similar records and reports required by federal law, 42 U.S.C. Section 2000e-8(c).

SECTION 8.02. SECRECY; ACCESS TO RECORDS; NONCOMPLIANCE. (a) An officer or employee of the commission may not make public any information obtained by the commission under its authority under Section 6.01 of this Act except as necessary to the conduct of a proceeding under this Act.

(b) If a person fails to permit access, examination, photographing, or copying or fails to make, keep, or preserve records or make reports in accordance with this article, the commission may issue a subpoena requiring compliance. On a failure to comply with a subpoena of the commission, the commission shall apply to the district court of the county in which the person is found, resides, or transacts business for an order directing compliance.

ARTICLE 9. MISCELLANEOUS DISCRIMINATORY PRACTICES

SECTION 9.01. CONCILIATION AGREEMENTS. It is an unlawful employment practice for a party to a conciliation agreement made under this Act to violate the terms of the conciliation agreement.

SECTION 9.02. WILFUL INTERFERENCE. A person who wilfully resists, prevents, impedes, or interferes with the performance of a duty under or the exercise of a power provided by this Act is guilty of a Class B misdemeanor.

ARTICLE 10. MISCELLANEOUS PROVISIONS

SECTION 10.01. EFFECT ON OTHER STATE OR FEDERAL LAWS. Nothing contained in this Act relieves any government agency or official of the responsibility to assure nondiscrimination in employment as required under any other provision of the state or federal constitutions or laws.

SECTION 10.02. AMENDMENT OF EXISTING LAW. Subsection (a), Section 1, Chapter 72, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-16, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) No officer or employee of the state or of a political subdivision of the state, when acting or purporting to act in his official capacity, may:

(1) ~~refuse to employ a person because of the person's race, religion, color, sex, or national origin.~~

~~[(2)] discharge a person from employment because of the person's race, religion, color, sex, or national origin.~~

~~[(3)] refuse to issue a license, permit, or certificate to a person because of the person's race, religion, color, sex, or national origin;~~

~~(2) [(4)] revoke or suspend the license, permit, or certificate of a person because of the person's race, religion, color, sex, or national origin;~~

~~(3) [(5)] refuse to permit a person to use facilities open to the public and owned, operated, or managed by or on behalf of the state or a political subdivision of the state, because of the person's race, religion, color, sex, or national origin;~~

~~(4) [(6)] refuse to permit a person to participate in a program owned, operated, or managed by or on behalf of the state or a political subdivision of the state, because of the person's race, religion, color, sex, or national origin;~~

~~(5) [(7)] refuse to grant a benefit to, or impose an unreasonable burden upon, a person because of the person's race, religion, color, sex, or national origin; or~~

~~(6) [(8)] refuse to let a bid to a person because of the person's race, religion, color, sex, or national origin.~~

SECTION 10.03. REPEALER. (a) Section 2a, Chapter 72, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-16, Vernon's Texas Civil Statutes), is repealed.

(b) Chapter 327, Acts of the 58th Legislature, Regular Session, 1963 (Article 6252-14, Vernon's Texas Civil Statutes), is repealed.

(c) Section 121.003(f), Human Resources Code, is repealed.

SECTION 10.04. APPROPRIATION. For the fiscal biennium ending August 31, 1985, the following amounts are appropriated to the Commission on Human Rights for the purpose of carrying out the provisions of this Act:

(1) from funds appropriated by H.B. 656, Acts of the 67th Legislature, from Fund 117 to the State Purchasing and General Services Commission, the sum of \$200,000; and

(2) any amount of federal funds received by the state for that purpose.

SECTION 10.05. CONFORMITY WITH FEDERAL STATUTES. If any provision of this Act is held by the Equal Employment Opportunity Commission to disqualify the Commission on Human Rights as a deferral agency or for federal funds, the Commission on Human Rights is hereby authorized to administer this Act so as to qualify for deferral status until such time as the legislature meets in its next session and has an opportunity to amend this Act.

SECTION 10.06. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 10.07. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was read second time and was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 14 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Brown, Leedom, Washington.

Absent-excused: Sims.

The bill was read third time and was passed.

ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM

The President announced the time has arrived for the election of the President Pro Tempore Ad Interim, Sixty-eighth Legislature.

On motion of Senator Mauzy, Senator Doggett was elected President Pro Tempore, Ad Interim, Sixty-eighth Legislature.

MOTION IN WRITING

Senator Mauzy offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die.

MAUZY

The Motion in Writing was read and was adopted.

Accordingly, the President announced the appointment to Notify the Governor: Senators Caperton, Doggett, Jones, Sarpalius and Whitmire.

MOTION IN WRITING

Senator Mauzy offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the House of Representatives that the Senate has completed its labors and is ready to adjourn sine die.

MAUZY

The Motion in Writing was read and was adopted.

Accordingly, the President announced the appointment to Notify the House: Senators Blake, Howard, Lyon, Sharp and Truan.

MOTION TO ADJOURN SINE DIE

At 5:22 o'clock p.m. Senator Mauzy moved that the Senate of the 68th Legislature, First Called Session, adjourn sine die upon the completion of administrative duties.

HOUSE NOTIFIED

The Committee to Notify the House appeared at the Bar of the Senate and Senator Sharp for the Committee reported the Committee had completed its duties.

The Committee was discharged.

AT EASE

The President at 6:10 o'clock p.m. announced the Senate would Stand At Ease Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

The President at 6:10 o'clock p.m. called the Senate to order as In Legislative Session.

MESSAGE FROM THE HOUSE

House Chamber
June 25, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 14** by vote of 60 Ayes, 55 Noes.

The House has concurred in Senate amendments to **H.B. 8** by vote of 110 Ayes, 12 Noes, 1 Present-not voting.

S.B. 28, Relating to the regulation of taxicabs serving airports.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE NOTIFIED

A Committee from the House appeared at the Bar of the Senate and Representative Rudd for the Committee reported the House had completed its labors and was ready to adjourn sine die.

AT EASE

The President at 6:12 o'clock p.m. announced the Senate would Stand At Ease Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

The President at 6:42 o'clock p.m. called the Senate to order as In Legislative Session.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 28

AT EASE

The President at 6:45 o'clock p.m. announced the Senate would Stand At Ease Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

The President at 9:26 o'clock p.m. called the Senate to order as In Legislative Session.

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following bills and resolution:

H.B. 7

H.B. 8

H.B. 14

H.C.R. 5

MEMORIAL RESOLUTIONS

S.R. 25 - By Glasgow: Memorial resolution for Charles Neblett.

S.R. 26 - By Glasgow: Memorial resolution for Daniel Edward Cox.

S.R. 27 - By Glasgow: Memorial resolution for David Charles Riggins.

S.R. 28 - By Glasgow: Memorial resolution for George Harold Parks.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 23 - By Sharp: Extending congratulations to the Kenedy Lions baseball team.

S.R. 24 - By Sharp: Extending congratulations to Carole Johnson.

S.R. 29 - By Brooks: Commending the Charles H. Milby High School Class of 1973.

S.R. 30 - By Doggett: Extending congratulations to Dan Brody.

S.R. 31 - By Truan: Extending congratulations to Ray Paz.

S.R. 32 - By Truan: Extending welcome to The Most Reverend Rene H. Gracida.

ADJOURNMENT SINE DIE

The President announced that the hour for final adjournment of the First Called Session of the Sixty-eighth Legislature had arrived.

The President at 9:28 o'clock p.m. declared the First Called Session of the Sixty-eighth Legislature adjourned sine die.

APPENDIX

Sent to Comptroller
(June 27, 1983)

S.B. 9

S.B. 22

Sent to Governor
(June 22, 1983)

S.B. 22

Sent to Governor
(June 27, 1983)

S.J.R. 1

S.C.R. 2

S.C.R. 4

(June 28, 1983)

S.B. 22

S.C.R. 5

S.C.R. 6

S.B. 9

S.B. 28

Signed by Governor

(June 25, 1983)

H.B. 2 (Effective September 1, 1983)

(June 27, 1983)

H.B. 1 (Effective immediately)

S.C.R. 5

S.C.R. 4

(June 28, 1983)

S.B. 9 (Effective immediately)

(June 30, 1983)

H.B. 7 (Effective January 1, 1984)

H.B. 8 (Effective immediately
Section 7 - September 1, 1983)

(July 7, 1983)

H.B. 14 (Effective September 24, 1983)

(July 8, 1983)

S.B. 22 (Effective September 24, 1983)

S.C.R. 2

Filed without Signature of Governor

(June 27, 1983)

S.B. 28 (Effective September 1, 1983)

S.C.R. 6

S.J.R. 1

(June 28, 1983)

H.C.R. 5